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A SUMMARY OF SELECTED BILLS TRULY AGREED TO AND FINALLY PASSED

**By The
87th General Assembly
Second Regular Session**



**Prepared By
Office of State Courts Administrator
July 1994**

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INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

Except for the bills marked "vetoed," all bills included in this summary have been signed by the Governor. Signed bills become effective August 28, 1994, unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

For a copy of any bill, please direct your request to:

Senate Bill Room
State Capitol
Jefferson City, Missouri 65101

House Post Office
State Capitol
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

SENATE BILLS

HCS SB 420 COURT AUTOMATION

Imposes a \$7 cost on court cases to go to a "Statewide Court Automation Fund," which is created to implement and maintain a statewide system of court automation. The fee is to be assessed in all civil cases and in all criminal cases including violations of any municipal or county ordinance heard by an associate circuit judge or any violation of criminal or traffic laws of this state, including infractions. No fee is to be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid on behalf of an indigent defendant.

The automation fund is to be administered by a court automation committee consisting of the chief justice, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, and two members of the Missouri Bar.

The fee will sunset in 1999. Chapter 476, RSMo

SB 424 JUDGMENT INDEX ENTRIES

Provides that judgment entries shall include the name and location of the court that rendered such judgment or decree. §511.440, RSMo 1986

SB 469 IMMUNITY FOR CHILD ABUSE REPORTS

Repeals the version of §210.135 passed last year in SB 253. The same section also passed in HB 170, and that section is unchanged.

This bill has an emergency clause; it was signed on 5/10/94. §210.135, RSMo Supp. 1993

SB 470 PROBATION SERVICES FOR CERTAIN OFFENDERS

Requires Probation and Parole to provide probation services for persons convicted of a class A misdemeanor of endangering the welfare of a child, violating an order of protection for a child, or for violations of §455.085, RSMo, relating to abuse or assault against a family or household member. §217.750, RSMo 1993

SB 475 PEACE OFFICERS' TRAINING

This bill relates primarily to peace officers' training requirements. It also contains a provision which allows any peace officer of a first class charter county, or any peace officer of any political

SB 475 PEACE OFFICERS' TRAINING (Cont.)

subdivision within a first class charter county, or any peace officer in St. Louis City who has completed the basic peace training program pursuant to chapter 590, RSMo, to arrest persons who violate any provision of state law within the boundaries of any first class county or St. Louis City. §304.230, RSMo 1986, and 70.820, 304.001, 307.173, 590.105, 590.110, 590.115, and 590.178, RSMo Supp. 1993

HCS SCS SB 508 PATERNITY/CHILD SUPPORT

Makes changes in the law relating to paternity establishment, making it easier to determine paternity; changes some provisions for medicaid eligibility; and changes some child support procedures, particularly as they relate to health care provision. This bill has an emergency clause; it was signed on 5/24/94.

(Many of the procedures in this bill are also contained in HBs 1491 & 1134, summarized in greater detail below. Also, a section related to changes in administrative withholding was repealed in HBs 1491 & 1134. Both of these bills should be read carefully for their impact.) §192.215, 454.440, 548.241, and 548.243, RSMo 1986, and 210.822, 210.829, 210.834, 376.817, 452.350, 454.200, 454.485, 454.496, 454.500 and 454.618 RSMo Supp. 1993

HS SCS SB 520 REGIONAL JAIL DISTRICTS

Allows counties to establish regional jail districts and share the cost of confining prisoners. Two or more contiguous counties may join to form a regional jail district by vote of the county commissions. The commissions shall approve an agreement which defines the sharing of costs and methods for establishing the regional jail. Additional counties may join later, if approved by the existing members, and the other counties and cities may contract for the keeping of prisoners.

The regional jail may be used to hold pretrial prisoners or convicted prisoners. The bill has an emergency clause; it was signed on 7/6/94. §49.310, RSMo 1986, and 221.010 and 221.020, RSMo Supp. 1993

HCS SCS SB 545 ANIMAL ABUSE AND NEGLECT

Expands the crimes related to animal abuse and neglect and increases the penalty for certain crimes. Animal neglect is now punishable by imprisonment, or a fine, or both. §578.009 and 578.012, RSMo 1986

CCS SB 554 CRIME VICTIMS' COMPENSATION

This bill is primarily a revision of the Crime Victims' Compensation Law. It includes a provision that the Division of Workers' Compensation shall have a lien on compensation in certain circumstances, and makes bail denial provisions for certain classes of offenders, including hearing provisions for those denied bail.

CCS SB 554 CRIME VICTIMS' COMPENSATION (Cont.)

A defendant who is denied bail because he poses a danger to a crime victim, witness or the community shall, upon written request filed at arraignment, be entitled to a trial which begins within 120 days of his arraignment or within 120 days of an order granting a change of venue, whichever occurs later.

Investigative reports of all law enforcement agencies are closed records until such time as an arrest is made. §595.015 and 595.040, RSMo 1986, and 595.010, 595.020, 595.025, 595.027, 595.030, 595.035, 595.209, 610.100 and 610.120, RSMo 1993.

SB 568 INTERPRETERS FOR THE DEAF

Creates the "Missouri State Committee of Interpreters" within the Division of Professional Registration. The Committee shall issue and renew licenses, collect fees and adopt and promulgate rules.

The bill also creates the Board for the Certification of Interpreters within the Missouri Commission for the Deaf. The Board shall establish qualification levels for licensure, develop fee schedules for interpreting services, suggest institutions of higher education to provide interpreter training programs, compile a statewide registry of interpreters by skill level and perform various other duties.

The act also has provisions for conducting and maintaining a census of the deaf population in Missouri. §161.400 and 161.405, RSMo Supp. 1993

HCS SCS SB 595 CHILD ABUSE REPORTS/FEEs IN JUVENILE CASES

This legislation relates primarily to changes in child abuse reporting procedures within the Division of Family Services.

The legislation also permits an assessment of \$30 against a child, parent or custodian of a child in certain juvenile proceedings in jurisdictions where a family court is established and places the proceeds in the family court fund. The circumstances include juvenile proceedings under chapter 211, informal adjustments made under the provisions of §211.081 and §211.083, and orders of disposition or treatment under the provisions of §211.181, RSMo. §210.110, 210.166, 210.180, 210.183, 210.186, 210.189, and 219.061, RSMo 1986 and 58.452, 58.722, 210.104, 210.115, 210.145, 210.150, 210.152, 210.192, 210.194, 210.195, 210.196, 210.860, 210.861, 211.321, 487.170, and 590.105, RSMo 1983

SCS SBs 610 & 618 DISTRIBUTION OF INMATE ASSETS

Makes changes in the law relating to reimbursement for the costs of inmate incarceration and the "Son of Sam" laws. ("Son of Sam" laws restrict the profit that a convicted person may make through the sale of books, movies, etc. relating to his/her crime.) The changes relate primarily to the Department of Corrections.

SCS SBs 610 & 618 DISTRIBUTION OF INMATE ASSETS (Cont.)

The bill also provides that insurance policies of prisoners incarcerated in county jails or county correctional facilities shall be used to pay for medical costs incurred while the policyholder is incarcerated. Cancellation of the policy on the ground that the policyholder is in jail is prohibited.

Persons placed on probation, parole or conditional release from any county jail or correctional facility shall, upon request, as a term of probation, parole or conditional release, repay the county for certain medical expenses. Provisions are made for a determination of indigence. §221.120, RSMo 1986 and 217.450, 217.827, 217.829, 217.831, 217.839, 217.841 and 595.030, RSMo Supp. 1993

CCS #2 HCS SB 650 CAMPAIGN FINANCE LAW REVISION

This bill is a comprehensive revision of the statutes relating to campaign financing. The bill has an effective date of January 1, 1995. The provisions of this legislation are administered by the Secretary of State's office. After January 1, 1995, printed material and answers to questions will be available by calling (314) 751-2020. Information will probably not be available very much before 1/1/95. §115.623 and 130.028, RSMo 1986 and 105.470, 105.457, 105.485, 105.498, 105.955, 115.621, 130.011, 130.031, 130.041, and 130.046, RSMo Supp. 1993

HS HCS SB 657 JUVENILE OFFICERS MAY APPEAL

Juvenile officers may appeal any final judgment, order or decree concerning a juvenile under their jurisdiction, except final determinations involving a violation of state law or municipal ordinance. A juvenile officer may also appeal an order suppressing evidence, a confession or admission in proceedings involving violations of state law or municipal ordinances.

The bill also gives grandparents a right to intervene in juvenile court proceedings when custody of a grandchild is an issue, unless the judge decides such intervention is against the best interest of the child. §211.261, RSMo 1986 and 211.177, RSMo 1993

SS SB 668 SENTENCING COMMISSION

Expands the present sentencing commission from nine to eleven members and requires it to develop a system of recommended sentences if the commission determines that sentencing disparities exist. The commission is to publish its system of recommended sentences on or before July 1, 1995.

Beginning on July 1, 1996, the report shall indicate the range of sentences given for the crimes listed in the system of recommended sentences and other statistical data as is necessary to indicate the extent to which judges have followed the commission's recommendations. The commission's system of recommended sentences may be revised from time to time, but no more frequently than once a year. §558.019 and 610.120, RSMo Supp. 1993

CCS SB 693 SEX OFFENSES

Provides numerous changes in the law relating to sexual offenses, including those relating to evidence, statutory rape and statutory sodomy, child molestation, deviate sexual assault, sexual misconduct, endangering the welfare of a child, and the registration of sex offenders. Marriage to the victim is an affirmative defense for certain offenses.

The bill provides for the registration of sex offenders. The registration is not a public record, but will be open to certain peace officers and justice-related entities. Failure to register is a class A misdemeanor.

The bill also contains provisions related to the sale of liquor to minors. This bill has an effective date of 1/1/95. §311.325, 312.407, 566.020, 566.040, 566.050, 566.070, 566.080, 566.090, and 566.130, RSMo 1986 and 43.540, 542.424, 558.018, 566.010, 566.030, 566.060, 566.085, 566.100, 566.110, 566.120, and 568.045, RSMo Supp. 1993

HCS SB 696 CORRECTIONS/MISSOURI POST-CONVICTION DRUG TREATMENT PROGRAM

This bill deals primarily with changes in Department of Corrections procedures. It also establishes, within the department, the Missouri Post-Conviction Drug Treatment Program for treating drug abusing offenders or those whose drug abuse was a contributing factor in the commission of the offense.

The bill includes a provision for a state-funded marshal for the 19th judicial circuit.

Chapter 217 and §558.026, RSMo 1986, and Chapter 217 and §545.473, 546.710, 546.720, 546.730, 546.740, 549.500, 558.026, 558.031, 559.016, 559.036, 559.115, 559.125, and 565.084, RSMo Supp. 1993

SB 700 COURT FEE GREENE COUNTY

This bill contains disparate provisions relating to Clay County salary structure, Boone County home rule, annexation procedures by Kansas City, and collection of a tax for emergency telephone service.

It also includes a provision authorizing a ten dollar court fee to support the operation of the county judicial facility in Greene County. §205.141, RSMo 1986, and 50.343, 71.015 and 190.305, RSMo Supp. 1993

CCS HS HCS SB 734 ORGANIZATIONS AS GUARDIANS/CONSERVATORS

Permits a nonprofit social service agency to be appointed as the guardian of a minor or disabled person. §475.010, 475.081 and 475.120, RSMo 1986 and 475.050 and 475.055, RSMo 1993

HS HCS SCS SB 763 DEPARTMENT OF CORRECTIONS, SENTENCING

DRUG TREATMENT PROGRAMS

This bill will make numerous changes in the law on corrections, and establish the Missouri Post-Conviction Drug Treatment Program to be regulated by the Department of Corrections. There are provisions for institutional and noninstitutional treatment. Persons who fail to complete the noninstitutional program are remanded to the court for assignment to the institutional program for further disposition.

SENTENCING REQUIREMENTS

The legislation will create a new "offenders under treatment program" in Corrections; make changes in the law on the insanity defense; make provisions for conditional release of some mentally ill or retarded defendants; restrict release of some inmates on parole; increase minimum sentencing requirements; authorize certain crime prevention programs; increase the penalty for escape from confinement; create the "Missouri Crime Prevention Information Center"; restrict bail to an offender pending appeal if sentenced to death, life imprisonment, or imprisonment for first degree drug trafficking, second degree murder, first degree assault, or forcible rape; open certain mental health hearings to the public; and authorize certain crime prevention programs.

SENTENCING COMMISSION

The legislation will also extend the life of the sentencing commission, modify its composition, and assign it additional duties including recommending sentences (guidelines), and reporting on the extent to which judges have followed the recommendations. §552.015, 552.020, and 575.210, RSMo 1986, and 217.010, 217.250, 217.357, 217.550, 217.555, 217.560, 217.565, 217.567, 217.570, 217.575, 217.580, 217.592, 217.595, 217.720, 552.030, 552.040, 556.061, 558.011, 558.019 and 610.120, RSMo Supp. 1993

HOUSE BILLS

HB 947 PEBS CO CREDIT

Authorizes (does not mandate) the state treasurer to credit \$25.00 per month, or such other amount appropriated by the General Assembly, for each participant in the state's deferred compensation program who makes continuous deferrals of at least \$25.00 per month and has been an employee of the state for at least twelve consecutive months prior to the beginning of any such credit. Effective July 1, 1995.

HB 963 FINANCIAL RECORDS

Makes any records or copies of records which have been duplicated by a process that accurately reproduces or forms a durable medium for reproducing the original admissible as a business record in any court in this state. §408.130, RSMo 1986, and 490.692, RSMo Supp. 1993

SS HB 1149 STATE EMPLOYEES' RETIREMENT

This bill contains numerous retirement provisions including: provides for an increase in the multiplier to 1.60% (effective January 1, 1995); eliminates the expiration date on the "80 and out" provision and provides that the member electing this option must be at least 50 years of age; provides a "pop up" option in cases where designated spouse beneficiaries predecease retirees; increases the minimum benefit to \$15.00 times years of service; allows a senior judge who attains 12 years of service during a 235-day period of service to be credited the service and have his/her retirement benefit adjusted at the time the pro rata portion is certified; and permits survivors, including judge's spouses, to receive COLAS. §103.115, 104.010, 104.040, 104.090, 104.103, 104.271, 104.312, 104.335, 104.340, 104.347, 104.370, 104.371, 104.372, 104.374, 104.395, 104.400, 104.420, 104.515, 104.612, 104.615, 287.812, 287.815, and 476.682, RSMo Supp. 1993

CCS HB 1386 JACKSON COUNTY SPLIT/SMALL CLAIMS/ST. LOUIS CITY COURT BUDGET

This legislation will: provide a criminal penalty for unauthorized disclosure of a conversation interpreted for a hearing-impaired person; expand the law permitting municipal courts to seek the suspension of a driver's license for failure to pay fines and costs by permitting cities as small as 1,000 people to use the law; split Jackson County into two circuits and create the 46th Circuit; make a technical change in the law on the St. Louis City courthouse fee; increase the mandatory retirement age for municipal judges to 75; expand small claims jurisdiction to \$2,500 in all counties of the first classification; provide restrictions on the admission of evidence regarding conversations or communications with the hearing impaired; authorize Greene County increased costs in criminal cases to operate judicial facilities and require the presiding judge of the 22nd Circuit and Circuit Clerk of the City of St. Louis to meet and confer with the mayor before the court's budget is finalized. §478.035, 478.115, 478.463, 478.465, 478.467, 478.469, 478.473, 478.475, and 478.483, RSMo 1986, and, 209.265, 302.341, 478.401, 478.462, 479.020, 479.040, 482.305, 482.315, 487.010, 487.040, 487.120, 487.130, 494.405, and 559.201, RSMo Supp. 1993

HB 1415 CHILDREN'S SERVICES COMMISSION

Adds a family court judge, appointed by the chief justice, to the membership of the Children's Services Commission. §210.101, RSMo 1993

HB 1427 MEDICAID FRAUD

Creates a medicaid fraud unit in the attorney general's office and establishes the power and authority the attorney general and the authorized investigators of the Attorney General's office have to investigate and prosecute violations of the bill. §197.020, RSMo 1986 and 191.227, RSMo Supp. 1993

CCS HB 1430 MOVING VIOLATION IN CONSTRUCTION ZONES

Requires any person who is convicted or pleads guilty to a moving violation within a construction or work zone to be assessed a fine of \$35.00, in addition to any other fine.

CCS SCS HCS HBs 1491 & 1134 PATERNITY ESTABLISHMENT/HEALTH CARE IN SUPPORT CASES

PATERNITY

Requires hospital to provide paternity acknowledgment forms and certain written information to unwed parents; creates a presumption of paternity if blood tests indicate a paternity percentage of at least 98%, using a probability of 0.5; requires the court to enter a default judgment for failure to submit to blood tests, unless the party failing to submit has good cause for his failure; allows the child, mother, alleged father, any presumed father and certain male witnesses to refuse to submit to blood tests if they can demonstrate good cause for their refusal; recognizes other states' paternity acknowledgments; and requires the director of DCSE to enter a paternity order when both parents sign sworn statements that the male parent is the father.

MEDICAL INSURANCE

Prohibits insurers from discriminating against Medicaid eligible individuals when enrolling an individual or making benefit payments to the individual; prohibits insurers from denying coverage of a child in certain circumstances; requires the employer or union to enroll the child in the plan the DCSE determines to be in the best interest of the child, if the obligor is not enrolled in a plan which covers dependents and one or more plans are available.

CHILD SUPPORT

Requires the court to consider the financial resources of both parties when the court is deciding whether to modify a maintenance award; allows the director of DCSE to amend or terminate court ordered withholding in certain circumstances; requires appeals of administrative orders modifying judicial orders to be heard by the court which entered the judicial order; and allows the director to enter a default order when a motion has been made to modify an administrative order and the party served fails to respond within 30 days.

The bill also prohibits employees of the state and persons that the state contracts with from disclosing the identity of applicants or recipients of services of child support or public assistance programs or the contents of any records unless the disclosure is necessary to administer these programs. Violation is a class A misdemeanor.

The bill has an emergency clause and became effective on July 1, 1994.

Some provisions of this legislation repeal provisions in SB 508. §193.215, 454.440, 548.241, and 548.243, RSMo 1986, and 210.822, 210.829, 210.834, 376.817, 452.340, 452.350, 452.370, 454.200, 454.485, 454.496, 454.500, and 454.618, RSMo Supp. 1993, and sections 210.834, 452.350 and 454.618, as such sections appear in HCS SCS SB 508, passed on May 6, 1994.

CCS SCS HS HCS HBs 1547 & 961 WELFARE REFORM/AFDC/CHILD SUPPORT

This bill is primarily a comprehensive reform of public assistance programs. It also contains provisions that relate to paternity establishment and that make parents of the alleged father and the mother under the age of 18 parties to a paternity determination and required, under certain circumstances, to pay some child support until the father and the mother reach the age of eighteen. The provisions of Supreme Court rule 88.01 shall not apply when a court determines the support obligation owed by the parents of a teen parent under eighteen years of age.

There are changes in types of credits required to be reported on child support trusteeship records. §93.215, RSMo 1986, and 135.400, 135.403, 135.405, 135.408, 135.414, 135.416, 135.429, 167.294, 208.040, 208.150, 208.182, 208.410, 210.465, and 454.432, RSMo Supp. 1993

HB 1592 KANSAS CITY/PROBATION

This bill relates primarily to geographical information systems. The bill also allows Kansas City to collect a \$10 monthly fee for supervisory costs from certain probationers. §137.345, RSMo 1993

HS HJR 38 CITIZENS' COMMISSION TO ESTABLISH SALARIES

This proposed constitutional amendment establishes the Missouri Commission on Compensation for Elected Officials. The 22 member commission is charged with establishing the compensation for elected state officials, members of the General Assembly, and all judges except municipal judges. Compensation is defined as salary rates, mileage allowances, and per diem expense allowances. The legislature can reject recommendations by concurrent resolution. Article XIII